

AUSA: Susan Fairchild
Agent: Michael Everson

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UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

United States of America
v.

Norman Washington SPENCE

Case No.

Case: 2:24-mj-30141
Assigned To : Unassigned
Assign. Date : 4/12/2024
Description: COMP USA V. SPENCE
(KB)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 10, 2024 in the county of Wayne in the
Eastern District of Michigan, the defendant(s) violated:

Code Section

Offense Description

Title 18, United States Code, Section 922(g)(5) Alien in Possession of Ammunition

This criminal complaint is based on these facts:

See attached affidavit.

Continued on the attached sheet.

Complainant's signature

BPA Agent Michael Everson

Printed name and title

Judge's signature

Anthony P. Patti, United States Magistrate Judge

Printed name and title

Sworn to before me and signed in my presence
and/or by reliable electronic means.

Date April 12, 2024

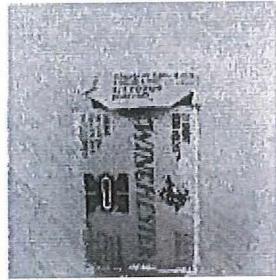
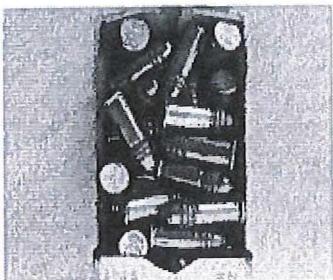
City and state: Detroit, MI

AFFIDAVIT

I, Michael Everson, declare the following under penalty of perjury:

1. I am a Border Patrol Agent with the United States Department of Homeland Security, United States Border Patrol. I have been employed in this capacity since December 2011. Currently, I am assigned to the Detroit Border Patrol Station. The facts set forth herein are based upon my personal knowledge as well as information provided by other law enforcement officers to include Border Patrol Agents and record checks of law enforcement databases. I have also reviewed material from the official Immigration file and system automated data relating to Norman SPENCE, which reveals the following:
2. I am currently involved in an investigation of Norman Washington SPENCE, date of birth XX/XX/1966. SPENCE is a citizen and national of Jamaica and claimed he was residing at 15XXX Sussex Street, Detroit, Michigan. This investigation concerns SPENCE and violations of Federal Firearms laws.
3. On or about March 25, 2024, the Detroit Border Intelligence Center received a call from a concerned citizen stating that SPENCE was illegally present in the United States and had made verbal and physical threats to her concerning marriage to her as a way for him to obtain his LAPR status.
4. On April 10, 2024, Border Patrol Agents conducted surveillance at or near 15XXX Sussex Street, Detroit, Michigan. SPENCE was visually identified based on his immigration photos. Border Patrol Agents approached SPENCE, identified themselves, and questioned him as to his name and immigration status. SPENCE confirmed his identity and acknowledged his immigration status. He was placed under arrest.

5. During a search incident to arrest, a box of Winchester .22 caliber short ammunition was found in his right-side pocket. The box was labeled as Winchester 22 Short High Velocity ammunition. The box was labeled as containing 50 cartridges but contained a total of 39 cartridges. SPENCE was transported to the Detroit Border Patrol Station for further processing.



6. A subsequent inquiry to Border Patrol determined that SPENCE initially entered the United States on a H2A Visa (Agricultural Worker-SP Emergency Farm Worker) on October 23, 1991, through Miami. The Visa expired on April 23, 1992. SPENCE'S subsequent attempts to gain immigration status were all denied on June 20, 2023. SPENCE did not have legal status in the United States on April 10, 2024, and was prohibited from possessing ammunition.
7. On April 12, 2024, Affiant spoke with Special Agent Josh Mclean of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) to request an interstate nexus determination on the box of ammunition. Special Agent Mclean advised that the box of Winchester .22 caliber short ammunition is manufactured outside the State of Michigan and therefore was shipped or transported in interstate or foreign commerce prior to its recovery in the County of Wayne, Eastern Judicial District of Michigan on April 12, 2024.

8. Based on the above facts, I have probable cause to believe that SPENCE, a citizen and national of Jamaica, who is illegally or unlawfully in the United States, on April 12, 2024, in the Eastern District of Michigan, did knowingly and intentionally possess ammunition, to wit: 39 rounds of Winchester .22 caliber short ammunition, which had been shipped or transported in interstate or foreign commerce, in violation of Title 18 United States Code, Section 922(g) (5).



Michael Everson, Border Patrol Agent
U.S. Department of Homeland Security

Sworn to before me and signed in my presence and/or by reliable electronic means.



Honorable Anthony P. Patti
United States Magistrate Judge

April 12, 2024